

## CITY OF KINGMAN PLANNING AND ZONING COMMISSION Council Chambers 310 N. 4<sup>th</sup> Street Kingman, Arizona

5:30 P.M.

#### **AGENDA**

Tuesday March 13, 2018

#### **REGULAR MEETING AGENDA**

**CALL TO ORDER & ROLL CALL** 

**PLEDGE OF ALLEGIANCE** 

1. APPROVAL OF MINUTES: The Regular Meeting Minutes of February 13, 2017.

#### 2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC:

Those wishing to address the Commission should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than three minutes.

#### 3. PAST COUNCIL ACTION:

A. CONDITIONAL USE PERMIT CASE CUP18-0001: A request from Lynda Lowe and Edward Dunham, applicants, and Craig Leonard, Trustee, property owner, for a conditional use permit for mini-storages. The subject site is zoned C-3: Commercial, Service Business and is located on the northwest side of E. Andy Devine Avenue southwest of Horizon Boulevard. The property is 3.57 acres and is described as Parcels 1B, 1C, and 1D of Block 2, Shangri-La Estates, Second Amended, Section 5, T.21N., R.16W. of the G&SRM, Mohave County, Arizona.

#### 4. OLD BUSINESS:

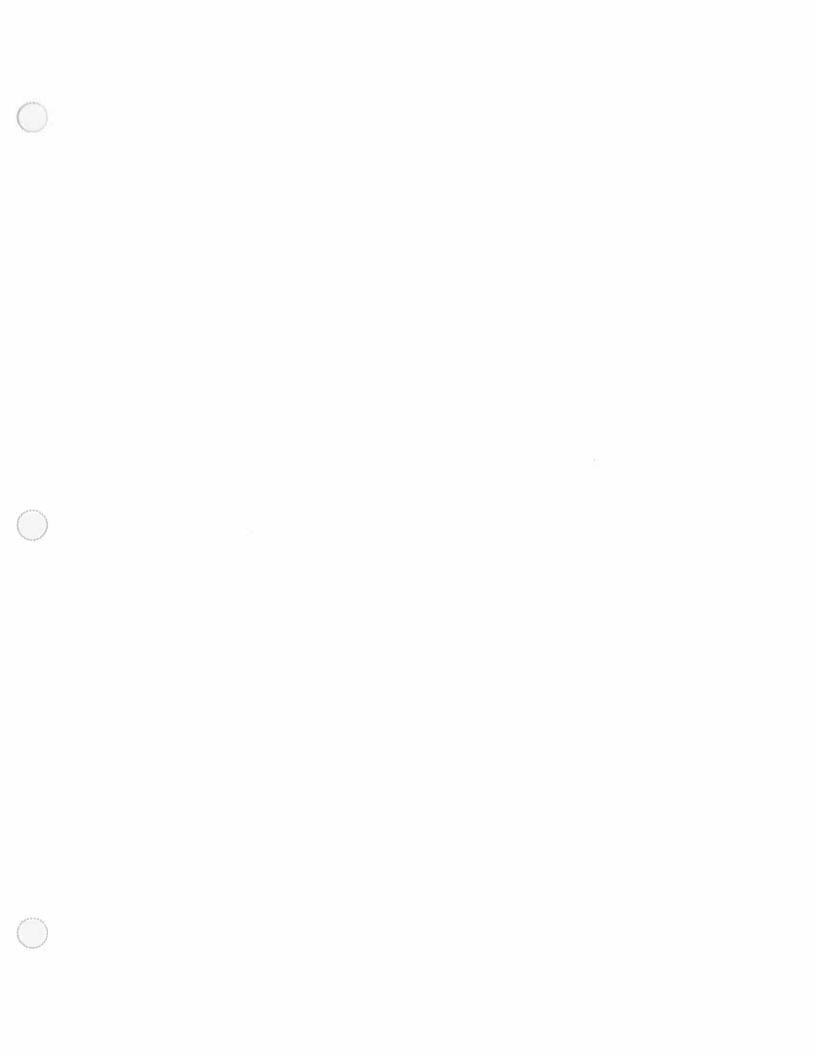
There is no Old Business.

#### 5. NEW BUSINESS:

A. CONDITIONAL USE PERMIT CASE CUP18-0002: A request from Manuel Salazar, applicant, and Rise Services, Inc., property owner, for a conditional use permit for a day program from 8 a.m. to 3 p.m. Monday through Friday for individuals with disabilities within an existing residence. The subject site is zoned R-2: Residential Multiple Family, Low Density and is located at 3996 Lindsey Avenue. The property is 0.35 acres and is described as Lots 15-17, Block 1, Silver Ridge Subdivision, Tract 1924-A.

- B. <u>REZONING CASE RZ18-0001</u>: A request from Mohave County, applicant and property owner, for the rezoning of certain property from O: Recreational Open Space to C-3: Commercial, Service Business. The rezoning is requested to bring the property into conformance with the zoning surrounding the site. The subject property is the Kathryn Heidenreich Senior Center located at 1776 Airway Avenue. The property is 3.28 acres and is further described as a Portion of Government Lot 3 shown as Parcel 3-A on RS 7/68 9/10/1991.
- C. ZONING ORDINANCE TEXT AMENDMENT CASE ZO18-0003: A city-initiated request for a text amendment to Section 26.000: General Development Standards of the Zoning Ordinance of the City of Kingman. The request is to amend Subsection 26.810(1) to remove vinyl coated polyester and landscaping fabric from the list of allowable screening materials for permitted outside storage areas.
- COMMISSIONERS COMMENTS: Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings and requests for reports from staff.

**ADJOURNMENT** 



## CITY OF KINGMAN PLANNING AND ZONING COMMISSION Council Chambers 310 N. 4<sup>th</sup> Street Kingman, Arizona

**Minutes** 

5:30 P.M.

February 13, 2018

Members Present:	Staff Present:	Visitors Signing In:
Gary Fredrickson, Commission Chair	Gary Kellogg, Economic & Planning Director	See attached list
Terry Shores, Commission Vice-Chair	Rich Ruggles, Planning Services Manager	
Laurie DeVries, Commission Member	Sylvia Shaffer, Planner	
Elizabeth Goss, Commission Member	Sandi Fellows, Recording Secretary	
Terry Hunsicker, Commission Member	Keith Eaton, Assistant Chief Life Safety Division	
Scott McCoy, Commission Member	Sydney Muhle, City Clerk	
Council Liaison Present:	VB. a. V	A.
Vickie Kress, Council Member	W 400	YUBA

#### **REGULAR MEETING MINUTES**

#### **CALL TO ORDER & ROLL CALL**

Chair Fredrickson called the meeting to order at 5:30 P.M. The Recording Secretary called the roll. Commissioner Keith was excused. All other commission members were present. The Pledge of Allegiance was led by commissioner McCoy and recited in unison.

1. APPROVAL OF MINUTES: The Regular Meeting Minutes of January 9, 2017. Commissioner McCoy made a MOTION to approve the regular meeting minutes of January 9, 2017 as written. Commissioner DeVries seconded, and the motion carried with unanimous (6-0) approval.

#### 2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC:

There were no comments.

#### 3. PAST COUNCIL ACTION:

A. ZONING ORDINANCE TEXT AMENDMENT CASE ZO18-0001: A city-initiated request for a text amendment to Section 31.000: Amendments and Zone Changes of the Zoning Ordinance of the City of Kingman. The request is to amend Subsection 31.600 Protest Provisions in regards to requirements for the calculation of legal protest areas as amended by Arizona Revised Statutes §9-462.04(H).

Planning Services Manager Rich Ruggles addressed the commission and reported that ZO18-0001 was approved by Council.

B. ZONING ORDINANCE TEXT AMENDMENT CASE ZO18-0002: A city-initiated request for a text amendment to Section 12.000: Commercial, Community Business (C-2) of the Zoning

Ordinance of the City of Kingman. The request is to amend Section 12.210 Permitted Uses to clarify that single family dwellings are not permitted within the C-2: Commercial, Community Business and C-3: Commercial, Service Business zoning districts.

Mr. Ruggles reported that ZO18-0002 was approved by Council.

Chair Fredrickson welcomed interim Economic Development and Planning Director Gary Kellogg to the meeting. Mr. Kellogg noted that he is starting from the ground up to create a welcoming and professional atmosphere for clients and residents as they enter the Economic Development and Planning office.

#### 4. OPEN MEETING LAW PRESENTATION:

City Clerk Sydney Muhle addressed the Commission to present the annual State mandated discussion on Arizona's Open Meeting Law (A.R.S. §38-431 to §431-09). Ms. Muhle stated that the Open Meeting Law is a set of laws intended to maximize public access to the governmental process and to make certain that deliberations and proceedings are open to the public so everybody has a chance to participate and to keep public bodies from making decisions in private.

Ms. Muhle stated that councils, commissions and boards of any city or town are public bodies and any laws that apply to the City Council or any commission or board also apply to subcommittees as well. She noted that a meeting means a gathering of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. She said that members of the governmental body can be attended by technological devices including telephone and video conferences, and e-mail communications, if the plans to attend using this technology are stated beforehand in the agenda. She noted that a meeting may also occur when less than a quorum of the public body discuss a matter of City business and one or more members later discuss the matter with another member of the public body.

Ms. Muhle stated that the public body may only discuss, consider, or decide on those matters listed on the agenda and other matters related thereto. She advised that if an item that is not listed on the agenda is brought up during a meeting, the better practice is to defer discussion or decisions on the matter to a later meeting date.

Ms. Muhle said that the "Call to the Public" commonly found on agendas is not required by State Statute and public bodies may impose reasonable time, place and manner restrictions on speakers. The public has a right to attend, listen, tape record and video tape a public meeting, but does not have the right to speak or disrupt. As a public body, Commission members have four options during a Call to the Public; respond to criticism after the close of the Call to the Public, ask staff to review the item, ask that a matter be placed on a future agenda so it can be discussed, or sit in silence.

The Commission was told that a quorum is a majority of the members of the public body, which is four for the Planning and Zoning Commission, because there are seven members on the Commission. Ms. Muhle told the Commission that if there is a quorum of commission members present at a social event or gathering of any kind, City business may not be discussed. Vacant positions do not reduce the quorum requirements.

The Commission was advised that commissioners may be disqualified from voting on particular matters if they have a conflict of interest. A disqualified commissioner, although present, cannot be counted in determining a quorum.

Ms. Muhle stated that caution must be used when communicating to other commissioners by telephone or other social media. She said a commissioner cannot communicate to three or more commissioners outside of an official meeting about matters to be considered by the commission. She said the staff can communicate to the commissioners outside of an official meeting, but cannot convey the position of other commissioners in that communication. Ms. Muhle advised that there are penalties associated with these violations of the Open Meeting Law that would be the responsibility of the individual and not to the City. These penalties may be up to \$500 per occurrence, and the individual may also be removed from the commission.

Ms. Muhle stated that if the Commission members have questions regarding the Open Meeting Law they may contact her at the City Clerk's office or City Attorney Carl Cooper.

Ms. Muhle acknowledged that Council had requested that she also present Parliamentary Procedures to each commission. She stated that Parliamentary Procedure is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

Ms. Muhle stated that a motion is a proposal that the entire membership take action on a stand or an issue. The motion is made, seconded, debated upon and voted on. To present a motion, the floor is first obtained, wait until the last speaker has finished, address the Chair by saying "Mr. Chairman" and wait until the Chair recognized you. The motion is made, speaking in a clear and concise manner. Always state a motion affirmatively. Wait for someone to second your motion, or for the Chair to call for a second. The Chair will state your motion, saying "it has been moved and seconded that we..." This brings the motion before the membership for consideration and action. The membership either debates your motion or may move directly to a vote. Once the motion is presented by the Chairman it cannot be changed by you without consent of the members, but may be amended by them. If there is not a second to the motion it is lost.

Ms. Muhle acknowledged that the time for you to speak in favor of your motion is after the motion is repeated by the Chair rather than at the time it is presented. The person making the motion (the mover) is always allowed to speak first. All comments and debate must be

directed to the Chair. Keep to the time limit for speaking that has been established. The mover may speak again only after other speakers are finished.

Ms. Muhle went on to state that Parliamentary Procedure will only work if it is used properly. Only allow motions that are in order, have members obtain the floor properly, speak clearly and concisely and obey the rules of debate.

#### 5. OLD BUSINESS:

A. <u>DISCUSSION ON ALLOWABLE FENCING OR SCREENING MATERIALS WITHIN THE KINGMAN ZONING ORDINANCE</u>: The commission will discuss allowable screening materials on fencing where there is permitted outdoor storage as allowed in Section 26.810 of the Kingman Zoning Ordinance. The commission may initiate a text amendment to make certain changes to this ordinance.

Planner Sylvia Shaffer addressed the commission and acknowledged that there is a concern over the use of landscaping fabric as a screening material on fencing where there is permitted outside storage in commercial zoning districts. An initial discussion of this topic was presented at the December meeting and staff was asked to conduct additional research.

The C-3: Commercial, Service Business, l-1: Light Industry and l-2: Heavy Industry zoning districts all allow for outside storage. In C-3, outside storage areas must be an accessory use to a permitted use, while in l-1 and l-2 outside storage is allowed as a permitted use.

The use of vinyl coated polyester, otherwise known as landscaping fabric, is currently permitted as an acceptable screening material for areas with permitted outside storage. The fabric must have an opacity rating of at least 75%.

Ms. Shaffer stated that the City of Kingman Zoning Ordinance, Section 26.810, related to allowable screening for open space storage where permitted in commercial and industrial zoning districts is as follows:

a. Allowable Screening Materials: The following materials will be allowed as screening for those operations which need sight obstructing fences, including but not limited to: chain link fencing with metal slats (double picket weaving), masonry walls constructed to accepted industry standards, stucco fences, redwood/cedar board fencing, painted corrugated metal, vinyl PVC products made specifically for fencing, vinyl coated polyester with a minimum opacity rating of seventy-five percent (75%) (landscaping fabric). These materials must be maintained in working order and not allowed to deteriorate into an unsightly condition.

Ms. Shaffer noted that staff conducted research related to what other local jurisdictions allow for screening materials, and found the following:

- In Bullhead City, screening regulations for multiple-family, commercial, and industrial developments: Screening devices located on land zoned for multiple-family, commercial or industrial uses shall be made of brick, masonry block, masonry with a stucco or mortar wash finish, cedar, redwood, or chain link with ultraviolet resistant, factory installed interlocking vertical privacy slats. There shall be a maximum spacing of one-eighth inch between slats or wooden members.
- In Lake Havasu City, their Code states the screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact hedging, an earth berm, or some combination of those materials, in conjunction with trees and other landscaping: and/or landscaping that shall block all views of the equipment. Chain link fence is prohibited. The screen shall be 100% opaque if the service or storage area is adjacent to a residential land use and 60% opaque in all other instances.
- Mohave Counties Zoning Ordinance specifies: The view-obscuring structures shall be constructed of materials normally defined as fencing materials; masonry construction, wood, stone, brick, frame stucco, chain link with slats, earthen berms and shall not be reflective. Materials excluded are plastic sheeting, shade cloth, used garage doors, and recycled sheet metal that has not been re-manufactured as fencing material. Live vegetation materials are allowed if they are equivalent in effect to that required in the definitions of view-obscuring. Alternative fencing will require prior approval by the Director upon finding that the alternative fencing is equivalent in function and compatibility with typical fencing materials.

Ms. Shaffer stated that based on the research, none of the other jurisdictions allow for landscaping fabric to be used as screening material for open space storage in commercial or industrial zones. She went on to state that the landscaping fabric is typically used for weed prevention and not screening.

Ms. Shaffer stated that staff is recommending that landscaping fabric be removed from the list of allowable screening materials in Section 26.810 of the Zoning Ordinance. She acknowledged that the subject business that is currently using the landscaping fabric as screening material will not be required to remove the landscaping material from his fencing, but she can go and speak with the property owners and recommend a preferable screening material to be used.

Commissioner Hunsicker acknowledged that he would like to see vinyl coated polyester as well as landscape fabric removed from the allowable screening materials permitted.

Kingman resident Cere Tabbert addressed the commission stating that she has a friend who has used the landscape fabric as screening for years, and it has held out well with the winds, as well as being a low cost alternative.

Commissioner DeVries made a MOTION to direct staff to draft a text amendment removing vinyl coated polyester and landscaping fabric from Section 26.810 regarding allowable screening materials on fencing for permitted outdoor storage. Vice-Chair Shores seconded the motion, and the motion carried with unanimous (6-0) approval.

B. <u>DISCUSSION REGARDING TINY HOMES</u>: The commission will discuss the subject of Tiny Homes including what zoning districts such homes are currently permitted or may be permitted in the City of Kingman Zoning Ordinance. The commission may initiate a text amendment to make certain changes to the Zoning Ordinance.

Sylvia Shaffer addressed the Commission and stated that the small house movement is a return to houses of less than 1,000 square feet. Small homes are between 400 and 1,000 square feet, where tiny homes are less than 400 square feet and can be as small as 80 square feet.

Ms. Shaffer stated that in Kingman there are limited Zoning Districts that allow for Tiny Homes which are R-MH: Residential Manufactured Home and the R-R: Rural Residential. These Zoning districts do not have a specified minimum floor area size required for single family residences. Currently, the Zoning Ordinance requires that all single-family detached dwellings constructed in R-1, R-2, R-3 and R-4 districts after December 16, 1991 have a minimum floor area of 860 livable square feet. This requirement is limiting the ability for Tiny Homes to be constructed in Kingman.

Ms. Shaffer acknowledged that staff researched other Arizona jurisdictions such as Lake Havasu, Bullhead and Mohave County to see how they processed Tiny Home proposals. Bullhead has a minimum floor area of 672 livable square feet allowed for single family residences, and would have to amend their code to allow Tiny Homes. Lake Havasu City would require Tiny Homes to meet the 2012 Residential Building Code and they have no minimum floor area required in single family zoning districts. Units in multiple-family districts have a minimum floor area required. Mohave County does not have a minimum floor area required and Tiny Home proposals have to meet the Building Code.

Ms. Shaffer provided examples of Tiny Homes as well as a map of Kingman outlining R-R and R-MH districts where the homes could be located, such as behind the hospital on Fairfax and Windsor, along Airway Avenue, Gordon Drive and downtown on south side.

Ms. Shaffer acknowledged that Tiny Homes can be constructed from a number of materials, one of which is cargo containers, provided they have been engineered and will meet the Building Code.

She went on to state that in many R-MH zoning districts a number of the lots in Kingman were platted in the early 1900's as twenty-five by one-hundred-foot lots. Currently, five-thousand square feet is the minimum size lot that is allowed for residential construction in

the City. She stated that the Planning Department would not object to amending the Zoning Ordinance to allow Tiny Homes to be built on the twenty-five-hundred foot lots, as long as water and sewer were available.

Ms. Shaffer stated that the commission could consider expanding the multi-family home districts to allow construction of Tiny Homes. Proposed Tiny Homes would need to be affixed to a permanent foundation in these districts and meet the Development Criteria Standards outlined in Section 26 of the Zoning Ordinance and Building Code Requirements. Tiny Homes on wheels would not be allowed to be placed in these Zoning Districts, because they are licensed by the Motor Vehicle Department and viewed as a recreational vehicle. However, they could be placed in RV Parks. Staff is not recommending opening up R-1 Zoning Districts to allow for Tiny Homes in order to keep the aesthetics and intent of the R-1 Zoning District neighborhood which primarily consist of single family residential structures with a minimum floor area of at least 860 square feet.

Commissioner DeVries noted that since there is no storage space in Tiny Homes, how much area on the property should be allowed for storage, and how many additions would a Tiny Home be allowed. She said she was not opposed to the proposal, but wanted to be certain that a bigger problem wasn't created. Ms. Shaffer acknowledged that there is already an Ordinance regarding maximum coverage of a lot, which would be sixty-percent.

Chair Fredrickson asked if the current setbacks would be adhered to. Ms. Shaffer stated that was correct.

Commissioner McCoy asked if there would be exterior appearance criteria required. He noted that cargo containers can be stacked ten high.

Keith Eaton, City Fire Official and interim Building Official addressed the commission stating that the City is beginning to get some interest downtown regarding the smaller homes. He noted that in answer to Commissioner McCoy's question, any construction must meet the current Building Code. Many communities have embraced the Tiny Home movement, and Building Departments have made their adjustments, so there is plenty of information out there. Mr. Eaton acknowledged that he has never seen a home constructed of cargo trailers, but he expected to receive his first engineering on repurposing the containers very soon. As to the height, he explained that each zone already had a maximum allowable height for construction. Mr. Eaton explained that the twenty-five—hundred foot lots would have to have water and sewer available, because there would not be enough room for a septic tank. He went on to state that they may see only a couple of Tiny Homes in one year, but his department has worked hard to get ahead of this and was glad to be proactive.

Commissioner DeVries asked if the Fire Department could access a cargo container that was repurposed for a home, in the event of a fire. Mr. Eaton explained that there are still

accessible areas, such as windows and doors, the only thing different would be the siding. He noted that it may be a challenge, but the Fire Department is prepared.

Commissioner DeVries asked if staff could see what Coconino and Pima County are doing regarding the Tiny Homes. Ms. Shaffer stated that she would do that.

Kingman resident Mark Sippel addressed the commission stating that in the past, the Building Department would not consider allowing construction on smaller lots. He said there are currently homes that are on non-conforming lots that can't have the necessary repairs done to them, because they will not be issued a permit. He stated that other cities are constructing apartments on twenty-five—hundred foot lots, and this could be a great opportunity for the downtown area. He asked that the commission consider broadening their vision to include the existing properties that could be rehabilitated or allow owners of nonconforming lots to do what they would like to with their property.

Kingman resident Joni Millin addressed the commission stating that she is affiliated with the Kingman Downtown Merchants Association. She acknowledged that a lot of the older homes have been condemned or abated, leaving the property owners with lots too small to do anything with. She noted that there are nonconforming lots all over Kingman, not just downtown, and to amend the ordinance to allow construction on the smaller lots would help with the needed infill. Ms. Millin stated that there are also commercial lots that are unbuildable due to size. She said that the Downtown Merchants prepared a PowerPoint presentation and have sent it to Gary Kellogg and Jim Bacon, with the hope that they would share it with the Planning and Zoning Commission.

Kingman resident Cere Tabbert addressed the commission and presented a map of the original platting of Kingman showing a multitude of twenty-five by one-hundred foot lots. She stated that the Tiny House movement and small lot rebuild is really an issue about the present. Smaller homes represent a smaller investment and are less money to maintain, yet still create a nice neighborhood. Ms. Tabbert stated that we need to look at innovation and preserve our downtown, allowing revitalization and creativity for our residential and commercial residents.

Commissioner McCoy stated that the current proposal does not do enough and needs to be opened up to additional areas noting that the City could use the infill.

Commissioner DeVries requested that staff research the number of smaller size lots and their location in the downtown district.

Commissioner Hunsicker stated that he is struggling with the mixed-use concept of having the different size homes together in the same neighborhood. He noted that we may want something more structured. He acknowledged that he would like to hear more public comment regarding the proposal.

Ms. Shaffer noted that the Planning and Zoning Commission had recently initiated an ordinance that allowed homes on non-conforming lots to be rebuilt. She stated that she would continue with the requested research and bring the information back to the commission.

Commissioner DeVries made a MOTION to table the discussion with the request that staff return with research regarding what Coconino and Pima County are doing concerning Tiny Homes, and with information detailing the number and location of smaller size lots in the Downtown area. The motion was seconded by Vice-Chair Shores, and carried with unanimous (6-0) approval.

#### 6. NEW BUSINESS:

A. CONDITIONAL USE PERMIT CASE CUP18-0001: A request from Lynda Lowe and Edward Dunham, applicants, and Craig Leonard, Trustee, property owner, for a conditional use permit for mini-storages. The subject site is zoned C-3: Commercial, Service Business and is located on the northwest side of E. Andy Devine Avenue southwest of Horizon Boulevard. The property is 3.57 acres and is described as Parcels 1B, 1C, and 1D of Block 2, Shangri-La Estates, Second Amended, Section 5, T.21N., R.16W. of the G&SRM, Mohave County, Arizona.

Rich Ruggles addressed the commission and stated that the applicant is requesting a Conditional Use Permit (CUP) to allow the construction of mini-storage units on Parcels 1C and 1D of Block 2, Shangri-La Estates, 2<sup>nd</sup> Amended. Parcel 1B is intended to be used for open storage of recreational vehicles and boats.

Mr. Ruggles acknowledged that the applicant is proposing to repurpose and refurbish multiple Conex storage containers to be used for mini-storage units. The submitted site plan shows 92 containers that will be 8' x 40' and eight feet in height. The site plan also shows 14, 8' x 20' containers. Each of the 8' x 40' containers are proposed to be segregated into three to four mini-storage units. The 8' x 20' containers will be segregated into two mini-storage units. Each unit will be accessed by a seven foot tall roll-up door. The total square footage of all mini-storage units will be approximately 31,680 square feet.

The mini-storage areas will be accessed by paved aisles approximately 26-feet in width. An office building is proposed to be located on the site next to the entrance. The office will be constructed out of an  $8' \times 40'$  Conex storage container.

Mr. Ruggles stated that Conex-type boxes are considered a type of portable storage container. These containers may be used for general storage in C-3 and may be repurposed and used as building materials in any zoning district provided the construction is in accordance with the adopted International Building Code which is currently the 2012 IBC.

While storage containers may be used for general storage in C-3, a commercial mini-storage facility requires the approval of a Conditional Use Permit (CUP) regardless of the type of building material used to construct the mini-storage units.

Mr. Ruggles stated that the site has been posted and surrounding property owners within one-hundred-fifty feet were notified. No comments from the public have been received by staff, either for or against the proposal.

The City Fire Department has approved the CUP request. City Engineering has no objection to the processing of the CUP. The Engineering Department has stated that they will have comments at the time of site development and building permit submittal, and a grading plan and drainage report will be required. Water and sewer extensions will also be required and a backflow preventer is required for irrigation and domestic water meters. The City Surveyor has requested that the parcels 1B through 1D be combined as one lot for the proposed purpose.

Mohave County Flood Control responded that the site is not impacted by a FEMA designated floodplain, and they had no objections to the proposal. Suddenlink Communications has no issues or conflict with the project. Arizona Department of Transportation has requested that a right turn deceleration lane be constructed, and possibly extend the left turn deceleration lane. They also require grading and drainage plans, noting that the normal flow is sheet flow directly north. Also required by ADOT are detailed site and access plans, including fence and landscape plans.

Mr. Ruggles stated that planning staff is recommending approval of the request for a Conditional Use Permit for mini-storages units on Parcels 1C and 1D of Block 2, Shangri-La Estates, 2<sup>nd</sup> Amended with the following conditions:

- 1. Parcels 1B, 1C, and 1D of Block 2, Shangri-La Estates, 2<sup>nd</sup> Amended shall be combined into a single parcel. Any future lot splits of the subject property will need to follow the adopted minor lot split ordinance as stated in Section 2-146 of the Kingman Municipal Code.
- 2. Driveway access and roadway improvements will be subject to ADOT's review and permitting processes.
- 3. All open storage areas on Parcel 1B shall be screened from neighboring properties and streets in accordance with Section 26.810 of the Kingman Zoning Ordinance. Allowable fencing materials shall be either masonry or chain link with slats.

The engineer of record, Jed Noble addressed the commission stating that he had prepared the site plan for the proposed project. The commission had no questions for Mr. Noble.

Chair Fredrickson asked what the containers would look like, and if they would be painted.

For the applicant, Karen Lopez of Remax addressed the commission stating that the cargo containers to be used in the proposed project will come from a company that makes new containers specifically designed to look like storage units. Ms. Lopez noted that all of the containers to be used in the project would be new containers, there will be no used containers, and will be painted the same color. She stated that the office will also be made from the Conex material, and will resemble a construction office, only permanent and with bathrooms.

Commissioner Hunsicker made a MOTION to recommend approval of the request for a conditional use permit, with the three conditions as proposed by staff to allow mini-storage units at the subject site. The motion was seconded by Commissioner McCoy and carried with unanimous (6-0) approval.

COMMISSIONERS COMMENTS: Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings and requests for reports from staff.

Chair Fredrickson requested a review of the downtown development plan, with what uses are permitted at the current time. Mr. Ruggles stated that he would do that.

Commissioner Hunsicker requested that the public be allowed to comment on the matter of Tiny Homes, as he would like to hear additional input. He further stated that he would like to hear about how Coconino and Pima County are handling the commercial aspect of the matter. Council member Kress acknowledged that she thought it was the future, and could be a good thing for Kingman. She also agreed with Commissioner DeVries that there could be a lot of issues with Tiny Homes. Council member Kress was in favor of obtaining additional public input.

Commissioner McCoy stated that he would like the opportunity to view the Power Point that the Downtown Merchants had created regarding the downtown district.

Vice-Chair Shores made a MOTION to adjourn. The motion was seconded by Commissioner Hunsicker, and carried with unanimous (6-0) approval. Chair Fredrickson declared the meeting adjourned at 6:58:38 PM.

ADJOURNMENT 6:58:38 PM

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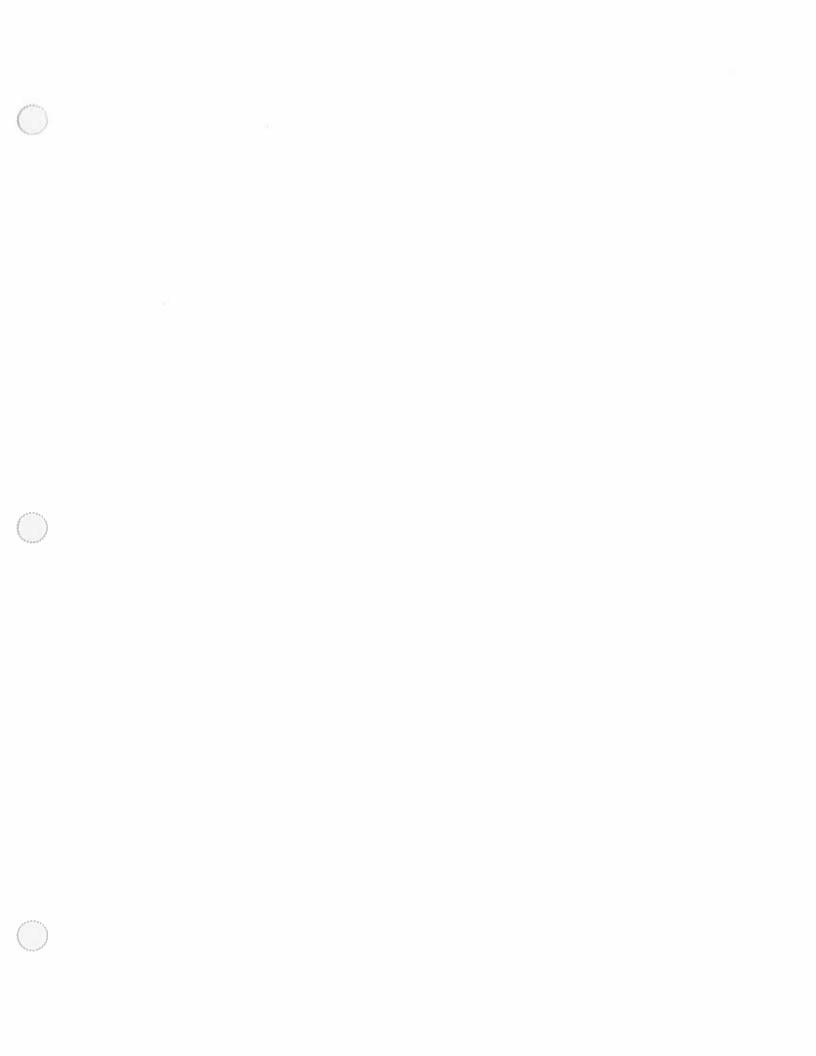
#### CERTIFICATE OF PLANNING AND ZONING COMMISSION MINUTES:

I, Sandi Fellows, Planning and Zoning Administrative Assistant and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Planning and Zoning Commission of the City of Kingman held on February 13, 2018.

Dated this 13th day of March, 2018

Sandi Fellows, Recording Secretary







## CITY OF KINGMAN Economic Development and Planning Department Conditional Use Permit Case: CUP18-0002 Staff Report March 13, 2018

**Summary of Request:** A request for a Conditional Use Permit for a day program from 8 a.m. to 3 p.m. Monday through Friday for individuals with disabilities within an existing residence at 3996 Lindsey Avenue.

**Applicant:** 

Manuel Salazar

4554 E. Inverness Avenue

Mesa, AZ 85206 (602) 768-8560

manuels@riseservicesinc.org

**Property Owner:** 

Rise Services, Inc./Billy Malkevich COO

4554 E. Inverness Avenue

Mesa, AZ 85206 (480) 497-1889

billym@riseservicesinc.org

#### **RECOMMENDATION**

Based on the findings that the application generally conforms to the Goals and Objectives of the Kingman General Plan 2030 and the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in this report, planning staff recommends **Approval** of the request for a Conditional Use Permit for a day program from 8 a.m. to 3 p.m. Monday through Friday for individuals with disabilities within an existing residence at 3996 Lindsey Avenue.

#### **STANDARDS FOR REVIEW**

#### **KINGMAN GENERAL PLAN 2030:**

• The site is designated as Medium Density Residential, 3-8 dwelling units per acre.

#### <u>CITY OF KINGMAN ZONING ORDINANCE</u>

Section 4.000: Residential: Multiple Family District

Section 29.000: Conditional Use Permits

#### FINDINGS OF FACT

**Location and Size:** The subject property is 0.35 acres and is located at 3996 Lindsey Avenue.

**Legal Description**: The subject property is described as described as Lots 15-17, Block 1, Silver Ridge Subdivision, Tract 1924-A. It includes Mohave County Assessor Parcel Numbers 320-02-016A and 320-02-017.

**Existing Zoning and Land Use:** The property is zoned R-2: Residential: Multiple-Family, Low Density.

#### Surrounding Land Use and Zoning:

- North: Gordon Drive and a mini-storage business zoned C-3: Commercial Community Business.
- East: An office and mini-storage business zoned C-3.
- South: There are several duplexes zoned R-2.
- <u>West:</u> There are several common wall patio homes zoned R-2-PDD: Residential, Multiple Family Low Density, Planned Development District.

#### **Zoning and Development History:**

- The subject site was incorporated into the City of Kingman on September 27, 1977. (COK Ordinance No. 300)
- R-R: Rural Residential zoning was applied to the property upon annexation.
- In 1989-90 the Silver Ridge Subdivision was developed in which the lots that comprise the subject site were platted.
- At that time Block 1, which surrounds Lindsey Avenue, was rezoned to R-2-PDD: Residential, Multiple Family Low Density, Planned Development District. This zoning allowed the development of common wall patio homes with lots that are less than 6,000 square feet and less than 50-feet wide.
- A rezoning request was approved in 1998 by Ordinance No. 1172 which rezoned Block 1, Lots 15-20 from R-2-PDD to R-2 as the development plan of the area had changed for these lots.
- The existing 2,868 square foot residence and garage were constructed in 1998.
- An assisted living home for disabled individuals has operated at this location for at least fifteen years.

#### **Physical Characteristics:**

- The subject property is generally flat with a slight slope downward to the southeast. It exhibits no unusual characteristics.
- The property lies within Flood Zone "X" (shaded), according to the FIRM panel map 04015C4556H dated February 18, 2015. Zone "X" are areas between the limits of the base flood and the 0.2% annual chance (or 500-year) flood.

#### **Public Utilities:**

 The site is currently served by a six-inch water line and an eight-inch sewer line in Lindsey Avenue.

#### Transportation:

The subject property is accessed from Lindsey Avenue, a local street with a 50-foot wide right-of-way and cul-de-sac bulb with a 55-foot radius. Lindsey Avenue is paved with curb, gutter and sidewalk.

#### **Public Notification and Expected Comment:**

- Surrounding property owners within 150 feet were sent a notice of the public hearing via first class mail on February 22, 2018. The list was generated by using the Mohave County Interactive GIS system.
- The site was posted with a public notice on February 23, 2018 and a public notice display ad ran in the Kingman Daily Miner on February 25, 2018.
- Two neighboring property owners have contacted the Planning and Zoning office
  to state that they have no objections to the proposed conditional use permit. No
  other comments from the public have been received as of the time this report
  was completed on March 7, 2018.

#### **Department and Agency Comments:**

- City Fire and City Engineering Departments: Approved.
- Mohave County Flood Control: We have no comments on this request.
- <u>Suddenlink Communications</u>: No objection provided there is no construction within the public utility easement.

#### **ANALYSIS**

The applicant and property owner, Rise Services, Inc., is requesting a Conditional Use Permit (CUP) to allow a day program from 8 a.m. to 3 p.m. Monday through Friday for individuals with developmental disabilities within an existing residence at 3996 Lindsey Avenue. At the present time the residence is used as a group home for disabled individuals, which is a permitted use in the R-2 district. However, the use of the residence for a day program that will operate similar to a tutorial school will require a CUP. If the CUP is approved, the location will cease being used as a residence and instead be used for the day program as proposed.

According to the applicant, the location has been approved by the state to hold up to 29 individuals. There will be one staff member on site for every four disabled individuals. Staff will arrive as early as 6 a.m. to start transportation to pick the members up and leave the location as late as 5 p.m. The residence will be unused on weekends generally.

The following is an analysis of the required findings for all conditional use permit requests:

#### SECTION 29.310: REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT

In order to make recommendations on a Conditional Use Permit (CUP), the Planning and Zoning Commission should make findings on the following elements as applies to this particular case:

**Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, the City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.

 The Kingman General Plan 2030 indicates the area is designated for Medium Density Residential land uses. The R-2 zoning district and the uses permitted therein by right and by CUP are generally compatible with this land use designation.

**Bulk Regulations**: The site is adequate in size and topography to accommodate the proposed use. These elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

• The subject property and the existing residence currently meet all bulk regulation requirements for R-2 zoned property in terms of the property size and dimensions, and well as the appearance criteria for the residence.

**Performance:** That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on: the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

• The location is currently being used as a residential care facility. The conversion to a facility for day use only would not appear to have a significant impact the character of the area or adversely impact the surrounding area.

**Traffic Patterns:** The provisions for ingress and egress, public streets and traffic circulation are adequate for the site.

• The site has an existing circular driveway in the front and another driveway and garage area on the side. These areas allow several vehicles to park on-site. Currently the residents are transported from the Lindsey Avenue location to other areas where they attend day programs. The traffic pattern will reverse, but should not be a significant increase in traffic should the day program be approved. Individuals will be transported to the Lindsey Avenue location in the morning and away to other locations in the evening.

**Landscaping and Fencing:** Landscaping and/or fencing of the proposed development assures that the site development will be compatible with adjoining areas.

There is an existing landscaped area in front and in the rear of the property. The
property is also fenced on both sides and in the rear. No additional fencing or
landscaping will need to be required.

**Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to: noise, smoke, odors, dust, vibration, or illumination.

 It does not appear that the proposed day program use will create a fire or flood hazard, nor will it be a nuisance in terms of noise, smoke, odor, dust, vibration, or illumination.

#### RECOMMENDATION

Based on the findings that the application generally conforms to the Goals and Objectives of the Kingman General Plan 2030 and the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in this report, planning staff recommends **Approval** of the request for a Conditional Use Permit for a day program from 8 a.m. to 3 p.m. Monday through Friday for individuals with disabilities within an existing residence at 3996 Lindsey Avenue.

#### **ATTACHMENTS**

- 1. Relevant portions of Sections 4.000 and 29.000 of the Kingman Zoning Ordinance
- 2. CUP Application
- 3. Zoning Map
- 4. Aerial Map

#### CITY OF KINGMAN ZONING ORDINANCE

#### 4.000 RESIDENTIAL: MULTIPLE-FAMILY DISTRICT

R-2 Low Density Multiple-Family
R-3 Medium Density Multiple-Family
R-4 High Density Multiple-Family

#### **4.100 INTENT AND PURPOSE**

Multiple-Family residential districts are hereby established to provide for the development of multiple-family residential living areas in an environment having maximum living amenities. It is the purpose of the multiple-family districts to provide low, medium and high density and promote greater residential design flexibility as to be complementary to adjacent activities, to have more efficient use of open space and better separation of pedestrian and vehicular traffic.

#### **4.200 GENERAL PROVISIONS**

#### **4.210 PERMITTED USES**

Bed and Breakfast establishments without a public restaurant Single-Family detached dwellings, subject to all provisions of the R-1-6 district Multiple-family dwellings

Condominiums, townhouses, patio homes

Home Occupations as regulated in Section 24.000 of this Ordinance

Parks and public playgrounds - publicly owned and operated

Residential group homes for persons with disabilities, in accord with Federal and State Fair Housing laws

**Unregulated Day Care Facility** 

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is twenty-five (25) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses.

#### 4.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

Commercial off-street parking in conjunction with an adjacent permitted commercial use Convents, monasteries and seminaries

Golf courses, tennis clubs, swimming clubs, and other similar recreational facilities, including restaurants, cocktail lounges, and other related facilities only when associated with and incidental to a golf course, tennis club, or other recreational facility. Such uses shall be permitted only when they are for the exclusive use of club membership. In granting a permit for such activities, the Planning Commission shall ensure, through the imposition of appropriate conditions that no interference with the conduct of nearby residential uses occurs

Historical sites and museums-commercially operated

Hospitals

Municipal or non-profit privately owned recreational buildings and community centers Municipally owned health centers

Parks and playgrounds, privately owned and operated but not for profit

Preschools, tutorial schools, Regulated Day Care/Group Facility

Public libraries

Public Assembly-Indoor General

Schools, Private School and Charter Schools where housing, dormitories or sleeping overnight is provided

Utility and public service uses including: electric substations, fire stations, police stations, telephone exchanges, telephone transmission equipment buildings, water filtration plants, pumping stations and reservoirs.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is one-hundred (100) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS).

#### 29.000 CONDITIONAL USE PERMITS

#### 29.100 PURPOSE AND INTENT

Pursuant to Arizona Revised Statutes (A.R.S) Article 6.1, Section 9-462.01, within individual zones, there may be uses permitted on a conditional basis under which additional requirements for development must be met. The purpose of the Conditional Use Permit is to allow integration of uses into the community, which may only be suitable in specific locations, or because of unusual operational or physical characteristics that require special consideration, or only if such uses are designed, or developed to assure maximum compatibility with adjoining uses.

Conditions may be applied to the issuance of the permit such that the proposed land use would not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A Conditional Use Permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a recommendation and the Common Council has authorized such use as evidenced by resolution.

#### **29.200 AUTHORITY**

The City of Kingman Common Council as the City's governing body retains final authority to approve, deny, approve with conditions or modified conditions, all applications for a Conditional Use Permit.

#### 29.300 PROCEDURE

- Application: Prior to making a formal application for a Conditional Use Permit, the applicant or agent is encouraged to review their proposal with a member of the Planning Staff. Application for a Conditional Use Permit shall be made by the property owner, or their authorized agent, on a form, available from the City Planning Department. Application shall include: a site plan, a list of the names and addresses of all property owners within one-hundred-fifty (150) feet of the proposed conditional use and a nonrefundable application fee.
- 2. Public Hearing Required: Two (2) public hearings shall be held on all Conditional Use Permit cases. The first hearing will be held before the Planning and Zoning Commission. The second hearing shall be held before the Mayor and the Common Council. Notice of the time and place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least fifteen (15) days before the hearing in the following manner:
  - a. The public notice display advertisement of not less than two inches by three inches (2" x 3") in size shall be published at least once in a newspaper of general circulation in the City of Kingman and surrounding area. The public notice will provide information about the date, time and place of the proposed Planning and Zoning Commission

CUP18-0002 Staff Report R. Ruggles Page 7 of 10 and City Council hearings. A public notice poster shall be posted on the property in question in at least one (1) location. If the property is less than one (1) acre. If the subject property is greater than one (1) acre, a minimum of two (2) notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases, the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for a conditional use. The notice shall include the present zoning classification, the proposed use and the date and time of the Planning and Zoning Commission and Common Council public hearings, as well as a location and phone number from which additional information can be received.

- b. In proceedings involving Conditional Use Permit applications, which abut other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing, shall be transmitted to the planning agency of such governmental unit. Additionally, the City shall send a written notice by United States Postal Service mail, notifying those property owners of record according to the most recent Mohave County Assessors rolls within one-hundred-fifty (150) feet of any point of the property on which the proposed conditional use might occur. The notice will describe the proposed conditional use, will include a map, and will state that public comment is encouraged during the public hearing.
- c. In the case of Conditional Use Permits that are not initiated by the property owner, notice by first class mail shall be sent to each property owner of record in the manner described above, within three-hundred (300) feet of any point of the property on which the proposed conditional use might occur.
- d. Notwithstanding the notice, requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.
- 3. Planning Commission Public Hearing and Action: The Planning Commission shall review a written report presented by staff concerning the conditional use request. The applicant, or designated representative, should be present to explain the conditional use request. Adjacent landowners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed conditional use prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission. The Planning Commission will discuss the conditional use proposal and, based on the evidence submitted and its own study and knowledge of the circumstances involved may recommend approval of the conditional use request with specified conditions or may recommend denial. After the hearing, the Planning Commission shall present a written recommendation to the Common Council. The Commission's written recommendation to approve or deny shall contain the reasons or findings upon which its decision is based.
- 4. Council Public Hearing and Action: The Common Council shall hold a second, separate public hearing from the Planning Commission. The Council may take testimony and may consider matters not necessarily heard by the Commission. The Common Council may adopt, modify, or reject the Commission recommendation based upon the information they receive at the public hearing. The Council may also return the request to the Planning Commission for further consideration of issues as directed by the Council. The Common Council may sustain a Planning Commission recommendation of denial of a conditional use request. If the Council wishes to approve a conditional use request recommended for denial by the Commission, the Council may direct the preparation of a Resolution for consideration at the next Council meeting. The Council shall not change the requested conditional use to another conditional use without public notice and

- another hearing in accord with the procedures in this section. The Council may not increase the area of the conditional use request without additional public notice.
- 5. Council Decision: The decision of the City Council on the Conditional Use Permit shall be final and shall become effective by resolution immediately. Notice of the decision shall be mailed to the property owner and/or applicant at the address shown on the application. No conditional use case that is the same or substantially the same (in site size, intensity or text) as a request that has been denied shall be filed within one (1) year of the date of the Planning Commission decision.

#### **29.310 REQUIRED FINDINGS**

In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements as applies to that particular case:

- 1. Applicable Regulations: Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, City of Kingman General Plan, other statutes, and any ordinance or policies that may be applicable.
- 2. Bulk Regulations: The site is adequate in size and topography to accommodate proposed use, density, building height, lot coverage, setbacks, spaces, landscaping, fences, parking and loading. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.
- 3. **Performance:** That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
- 4. **Traffic Patterns:** The provisions for ingress and egress, public streets and traffic circulation are adequate or can be upgraded through street improvements as a condition of approval.
- Landscaping Buffer: Landscaping and/or fencing of the proposed development assures that the site development will be compatible with adjoining areas.
- 6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration or illumination.

#### 29.320 REQUIRED CONDITIONS FOR A USE PERMITTED BY CONDITIONAL USE PERMIT

In the event that the conditional use requires that the applicant and/or developer obtain a building permit, all buildings, and any development of the property for which a Conditional Use Permit was sought, shall meet minimum requirements of all ordinances, restrictions, regulations, and policies of the City of Kingman that are in effect at the time of issuance of the Conditional Use Permit. Compliance with same is a condition of the use permit, including but are *not* limited to:

- 1. Water service improvements:
- 2. Sanitary sewer service improvements;
- 3. Street and/or sidewalk improvements;

- 4. Fire protection measures;
- Utility service improvements;
- Amount, type and location of outdoor lighting;
- 7. Parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface of:
  - a. Asphaltic concrete,
  - b. Cement concrete,
  - c. A penetration treatment of bituminous material and a seal cost of bituminous binder and mineral aggregate,
  - d. The equivalent of the above as may be approved by the City Engineer;
- 8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer;
- 9. Consistency with the General Plan.

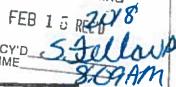
#### 29.330 CONDITIONS WHICH MAY BE IMPOSED UPON AN APPROVAL OF A CONDITIONAL USE PERMIT

The Commission and/or Council *may*, in addition to the above listed conditions, *impose the following* general conditions upon any Conditional Use Permit granted:

- Increasing the number of off-street parking spaces;
- 2. Additional landscaping, screening and buffering;
- 3. Controlling location, size and number of vehicular access points;
- 4. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the Conditional Use Permit procedure;
- 5. Street and/or sidewalk improvements;
- 6. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the City Engineer.

CITY OF KINGMAN PLANNING & ZONING

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### CONDITIONAL USE PERMIT APPLICATION FORM CASE # CUD | X 0002

Application Date:
I (we) the undersigned property owner(s) request that the area described below receive a conditional use permit (PROVIDE COMPLETE LEGAL DESCRIPTION):
Property Address: 399 U Linksey AVP Kingman AZ 86409
Proposed Conditional Use Permit Request to allow: The home to be Used as a Day program for individuals with developmental disabilities during the hours of fam-3pm monday through Friday.  Proposity Zoning: R-2
Troperty Below 1
Mohave County Tax Parcel Number(s):320200\5/10 Size of Parcel:
OWNER'S NAME: Bise Services Inc. Billy Malkovid
Malling Address: 4554 E Inverves Ave
City/State/Zip: MC59 A7 6520Ca
Phone Number: 140-477-188 Email: Billyme niseseNicesiuc.org
Signature: COO
APPLICANT NAME: (OF ASENT/ARPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.) MAILUE SA AZAG
Malling Address: 4554 E INVERSESS AUF
City/State/Zip: Mesa AZ 85206
Phone Number: 602 768 8560 Frait Many Sakzar 7806kg . co
Signature:
ITEMS FROM THE "CONDITIONAL USE PERMIT CHECKLIST" SHALL BE SUBMITTED WITH THIS APPLICATION.



#### rruggles@cityofkingman.gov

Received: Expires: Feb 23, 2018 9:59 AM Feb 20, 2019 9:59 AM

From: To: denicer@riseservicesinc.org rruggies@cityofkingman.gov

Cc: Subject:

Re: Conditional Use Permit for day program at 3996 Lindsey Avenue

Attachments:

image001.jpg

Good morning Rich, I apologize for not getting back to you yesterday as I was out of the office yesterday and my away message didn't work.

The building has been approved to hold 29 individuals total. We serve the DDD population which is individuals with developmental disabilities. Our staffing ratio is 4 members to 1 staff.

The hours of the program are Monday through Friday from 8am-3pm. Staff arrive as early as 6am to start transportation to pick the members up and leave as late as 5pm. The building is empty Saturday and Sunday unless the coordinator chooses to come in and work with no one there. The current status of the home is a group home and it is a 24/7 facility accept during the Monday-Friday hours of 8am-3pm when the members attend day programs. They are generally home all weekend as well.

I hope this answers your questions. Please let me know if there is anything further you need from me. I am happy to assist.

#### Denice Roth

Regional Director Rise Services, Inc District IV-Kingman 928-303-3537 Cell 928-753-5889 Office

#### WE BECOME WHAT WE WANT TO BE BY CONSISTENTLY BEING WHAT WE WANT TO BECOME EACH DAY......

On Thu, Feb 22, 2018 at 9:45 AM, Rich Ruggles <rruggles@cityofkingman.gov> wrote:

Denice,

I was wondering if you could send me a little more information about the proposed day program that is proposed at 3996 Lindsey Avenue. Basically I need to know for the CUP review how many individuals will be there, how many employees will be there on a daily basis, and what populations do you typically serve. Also, could you explain how is this use different from the previous use at this site which I believe was a group home.

Please let me know if you have any questions. Thanks.

**Rich Ruggles** 

Planning Services Manager

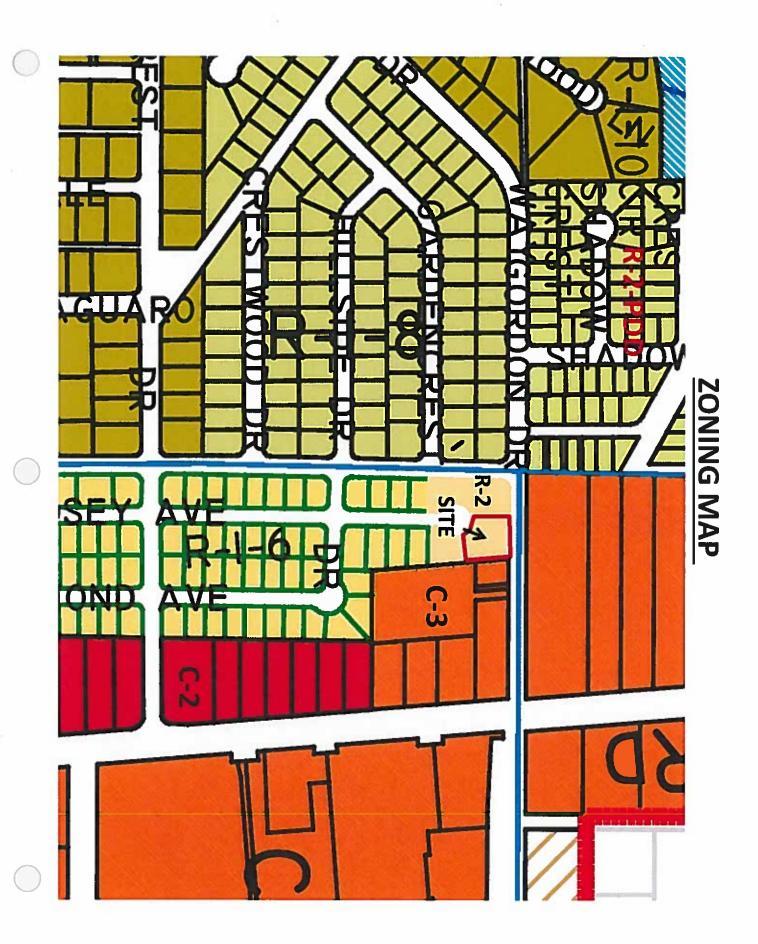
City of Kingman Economic Development & Planning Dept.

Office: (928) 753-8130 Direct: (928) 753-8160

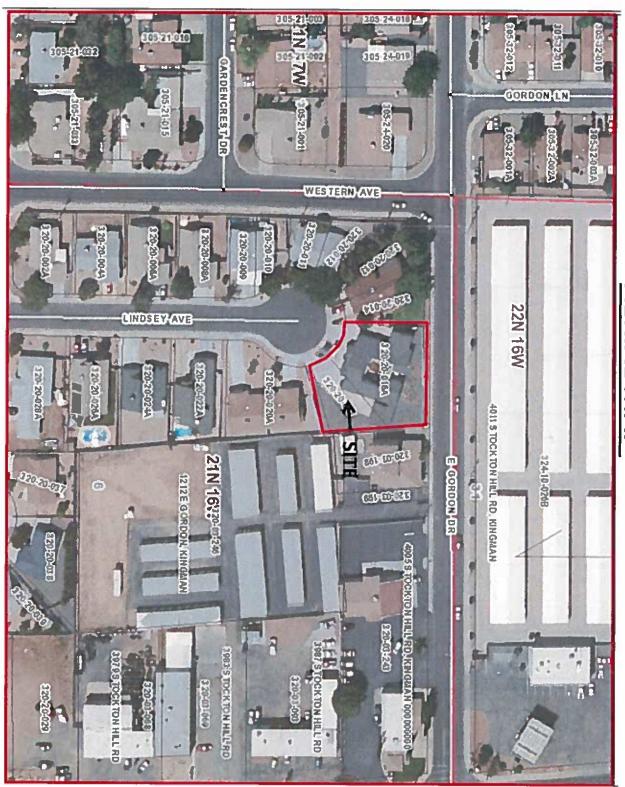
E-mail: muggles@cityofkingman.gov

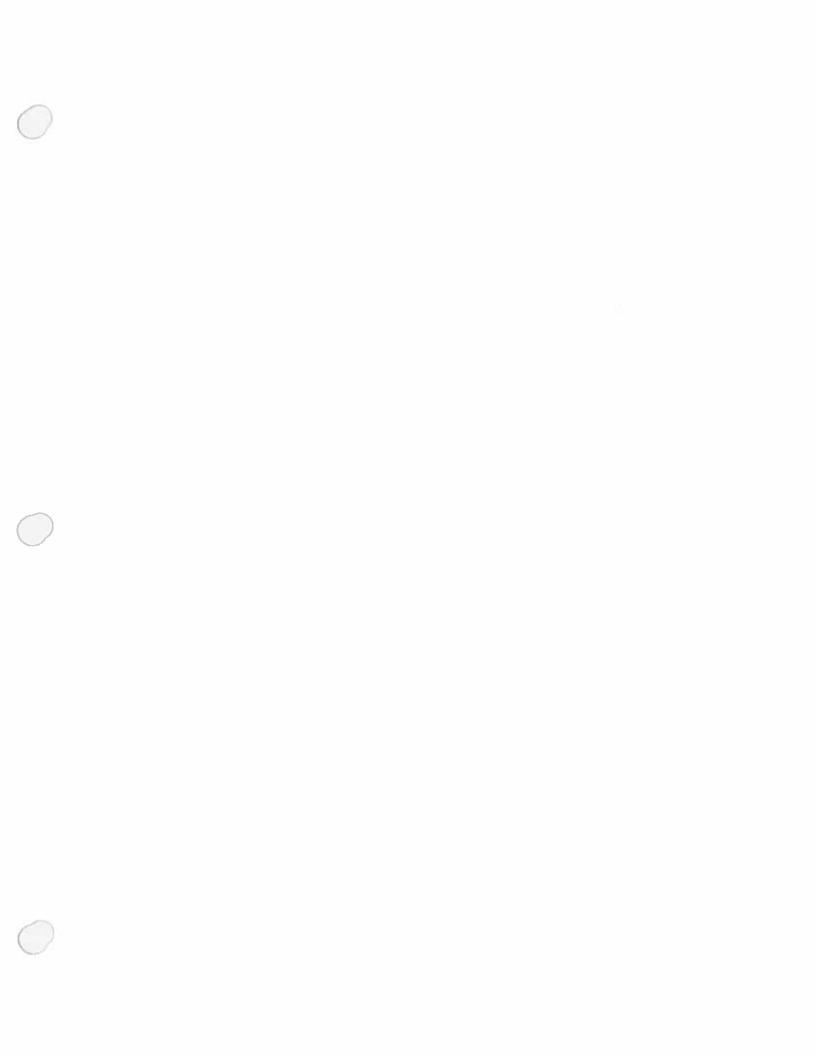
This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you,

Entrusted Mail - A FiLink Company



# **AERIAL MAP**







## CITY OF KINGMAN Planning and Zoning Division Rezoning Case: RZ18-0001 Staff Report

#### **Summary of Request:**

A request from Mohave County, applicant and property owner, for the rezoning of certain property from O: Recreational Open Space to C-3: Commercial, Service Business. The rezoning is requested to bring the property into conformance with the zoning surrounding the site. The subject property is the Kathryn Heidenreich Senior Center located at 1776 Airway Avenue.

#### **GENERAL INFORMATION:**

Property Owner/Applicant: Mohave County

PO Box 7000

Kingman, AZ 86402

#### **RECOMMENDATION**

The Planning and Zoning Commission may recommend approval of the request to rezone a Portion of Government Lot 3 shown as Parcel 3-A on RS 7/68 9/10/1991 to C-3: Commercial, Service Business. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

#### STANDARDS FOR REVIEW

APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:

Chapter 4: Land Use Element, Projected Land Use Map

#### APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:

- Section 8.000: Recreational Open Space
- Section 13,000: Commercial: Service Business
- Section 31.000: Amendments and Zone Changes

#### FINDINGS OF FACT

**Location and Size:** The subject site is approximately 3.28 acres and is located at 1776 Airway Avenue, Kingman, AZ 86409.

**Legal Description:** The subject property is described as a Portion of Government Lot 3 shown as Parcel 3-A on RS 7/68 9/10/1991.

**Existing Zoning and Existing Land Use:** The subject site currently has existing buildings and is zoned O: Recreational Open Space.

Projected Land Use: The Kingman General Plan 2030 indicates that the property is designated as Public/Quasi-Public.

#### Surrounding Land Use and Zoning:

 North, South, East and West: The surrounding property is zoned C-3: Commercial Service Business. The area is mostly developed with commercial buildings and a few scattered vacant lots. This includes Wal-Mart to the southwest, the Mohave Wash and ARC to the east, a dentist office and vacant property to the north across Airway Avenue.

#### **Zoning and Development History:**

- The subject property was annexed into the City of Kingman on November 8, 1971 under Ordinance No. 139 and "O" zoning was applied to the site.
- According to the Mohave County Assessor's Office, 11,832 sq. ft. of the existing building was constructed in 1981. In 1991, an 1188 sq. ft. office building was added to the site.
- A Conditional Use Permit was approved in 2003, CUP03-06, to allow the development of a non-profit community victim's shelter known as Sarah's House.
   In 2007, a 3,697 sq. ft. building was added to the site for the shelter which is now an office building.
- The total buildings on site equal 16,717 sq. ft.

**Physical Characteristics:** The property lies within Flood Zone "X", according to the FEMA panel map dated February 18, 2015. Zone "X" are areas outside of the 0.2% annual chance floodplain.

Public Utilities: There are existing water and sewer lines in Airway Avenue.

**Transportation:** The subject site accessed from Airway Avenue. The street is paved with sidewalk, curb and gutter.

#### **Public Notification and Expected Comment:**

- The site was posted with a zoning notice on February 22, 2018.
- A public notice was published in the Kingman Daily Miner on February 25, 2018.
- Surrounding property owners within 300 feet were sent a notice of the public hearing via first class mail on February 22, 2018. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- No public comments were received at the time the staff report was completed on March 7, 2018.

#### **Department and Agency Comments:**

- <u>City Engineer</u>: No objections to the rezone.
- City Building Official: No objections to the rezone
- UniSource Electric: No objections to the rezone.
- Frontier Communications: No objections to the rezone
- Mohave County Flood Control: No objection to the rezone.

#### **ANALYSIS**

This is a request from Mohave County to rezone approximately 3.28 acres O: Recreational Open Space to C-3: Commercial, Service Business. The rezoning is requested to bring the property into conformance with the zoning surrounding the site. The subject property is located at 1776 Airway Avenue.

There are several properties in the area that have been rezoned from O: Recreational Open Space to C-3: Commercial, Service Business and this property is a remnant piece that wasn't. The rezoning of this property is more of a housekeeping item.

The property contains four separate buildings which house the Katheryn Heidenreich Senior Center, Mohave County Meals on Wheels Program, a thrift store and meeting room. These uses conform to the C-3 Zoning District permitted uses.

The rezoning conforms to the Projected Land Use Map of the Kingman General Plan 2030 which is designated as Public-Quasi Public.

#### **RECOMMENDATION**

Staff recommends approval of the rezoning of the subject site from C-3: Commercial, Service Business. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

#### **ATTACHMENTS**

- 1. Sections 8.000, 13.000 and 31.000 of the Kingman Zoning Ordinance
- 2. Rezoning application
- 3. Zoning, Aerial and Site Map

#### 8.000 RECREATIONAL OPEN SPACE

#### **8.100 INTENT AND PURPOSE**

This zone is intended to provide for permanent open space in the community by limiting development in areas which are so located, so configured or possessed of such geologic features that the residential or other structural use of the land might endanger the health, safety and welfare of residents from possible flood, fire, subsidence or erosion.

#### **8.200 GENERAL PROVISIONS**

#### **8.210 PERMITTED USES**

The following uses are permitted and land shall be used and buildings and structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following uses only:

Fairground

Parks, campgrounds, recreational areas, and open space

Public Assembly-Outdoor, General

Public parking areas

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is thirty (30) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses

#### 8.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

BMX racetrack, no motorized cycles or vehicles permitted

Cemeteries

Public Assembly-Outdoor, Entertainment

Riding academies and stables for renting of horses

Single-family detached dwellings and manufactured homes on parcels of not less than five (5) acres. No more than four (4) dogs, cats or other small mammals may be kept in connection with the residential use of the property and no stable, barn, pen or corral shall be within fifty (50) feet of any lot line or of any dwelling or other building used for human habitation on the lot.

Utility and public service uses including: electric substations, fire stations, police stations, telephone exchanges, and telephone transmission equipment buildings, water filtration plants, pumping stations and reservoirs.

Public libraries

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is one-hundred (100) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

#### 8.300 PROPERTY DEVELOPMENT STANDARDS

**8.310 LOT AREA** 

Not less than five (5) acres

**8.320 LOT WIDTH** 

Not less than three-hundred (300) feet

## 8.330 FLOOR AREA RATIO

Not to exceed one-quarter (0.25) feet

## 8.340 PERMITTED HEIGHTS

The maximum height of any main or accessory building shall be two (2) stories or thirty (30) feet, whichever is less.

## 8.350 YARDS

Front Yard - not less than fifty (50) feet
Side Yard - not less than fifty (50) feet
Rear Yard - not less than fifty (50) feet

## 8.360 DISTANCE BETWEEN BUILDINGS

The minimum space between buildings or structures on the same lot shall be six (6) feet.

## 8.370 OFF-STREET PARKING

The provisions of Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS shall apply.

Revised 10/05/10 per Ord. 1693 Revised 07/19/11 per Ord. 1704

## 13.000 COMMERCIAL: SERVICE BUSINESS (C-3)

## 13,100 INTENT AND PURPOSE

This district is intended to provide for the development of business and service uses designed to meet the needs of the community, region and public at large. Such areas will provide a wide variety of goods and services in establishments whose operating characteristics require good exposure in a readily identifiable and accessible commercial setting. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.

## 13.200 GENERAL PROVISIONS

## 13.210 PERMITTED USES

Land shall be used and buildings/structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following permitted uses:

All uses enumerated as permitted uses in the C-2 district, also,

All uses enumerated as permitted by Conditional Use Permit in the C-2 district, unless otherwise noted, **and** 

Animal hospitals

Automobile and truck sales and service, new and used

Automobile body repair, conducted entirely in an enclosed building

Automobile, truck and trailer rental and service

Building material sales

Building material yards

Cabinet shops

Caskets and casket supplies - not including outside storage

Catering establishments

Cleaning and dyeing, coin operating, pick-up station and/or using non-explosive solvents

Cold storage lockers

Computer services

Contractor's and construction offices - including equipment rental or storage yards

Drafting service

Equipment and appliances, household - service and repair shops

Exterminating shops

Food lockers

Fuel and ice sales - retail only

Furniture transfer and storage

Glass replacement and repair (including auto glass)

Greenhouses, does not include medical marijuana cultivation facilities.

Heating, plumbing, ventilating, refrigeration and air-conditioning sales and service

High-density multiple-family developments

Instructional Schools or Trade Schools, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences (not providing housing, dormitories or sleeping overnight)

Linen supply services

Machinery and tool rental

Mail order houses

Medical Marijuana Dispensary and Cultivation only in conjunction with the dispensary, subject to the following conditions and limitations:

- a. Applicant shall provide a copy of the Application for a Dispensary Registration Certificate to the Arizona Department of Health Services.
- b. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

- c. Shall not be located within 500-feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- d. Shall not be located within 500-feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- e. Shall not be located within 2500-feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, mental health facility, substance abuse rehabilitation center or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- f. Shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m. of the same day and only Monday through Saturday.
- g. Drive-through services are prohibited.
- h. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

Microfilm service

Monument sales

Motor vehicle and motor equipment sales

Music and dance studios

Packing and crating

Parcel delivery services

Parking lots and storage garages for automobiles

Public and private utility service yards

Recording studios

Restaurants - including live entertainment and dancing

Schools, commercial or trade, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences

Secretarial services

Second hand stores and rummage shops

Sheet metal shops

Sign printing shops

Small animal boarding

**Taxidermists** 

Tool and cutlery sharpening or grinding

Trailer, camper and mobile home sales

Travelers aid societies

Vehicle towing and storage – subject to the following conditions:

- 1. There shall be a business building of at least one-thousand (1,000) square feet on the site. Thus within C-3, a fenced storage yard alone is not allowed to be established,
- 2. For the opportunity to have a towing and storage yard, the proposed site for the business must be at least forty-thousand (40,000) square feet in area,
- 3. No more than one (1) acre of the total site of the business can be used for outdoor storage of vehicles, unless storage occurs inside a building,
- 4. Total number of vehicles stored outdoors at any one time shall not exceed thirty (30),
- 5. The storage area shall be fenced with site obstructing fences, in accord with Section 26.800 of the Zoning Ordinance,
- 6. No vehicle stored shall be observed above the fence line,
- No parting out, crushing, wrecking, or similar activities concerning the stored vehicles are permitted. NOTE: IF A TOWING AND STORAGE BUSINESS WISHES TO OPERATE OUTSIDE OF THE CONDITIONS ABOVE, THEY SHOULD BE LOCATED IN I-1 OR I-2 ZONING DISTRICTS AS APPROPRIATE.

Warehousing of non-noxious products or materials

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also

Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000; GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses. Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

## 13.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

The following uses may be permitted subject to approval of a Conditional Use Permit as provided in Section 29.000: CONDITIONAL USE PERMITS:

Auction rooms

BMX racetrack

Car washes

Dog kennels

Helipad as an Accessory Use to a Permitted Use in the C-3 zoning district

Instructional Schools or Trade Schools, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences (providing housing, dormitories or sleeping overnight)

Mechanical equipment, such as but not limited to vehicle hoists, used for vehicle repair and service that are located outside of an enclosed building.

Mini-storages

Off-premises signs (billboards) subject to bulk regulations within the Sign Code

One (1) detached caretaker, owner or manager's residence only. Residence may be site built or manufactured home. Recreational vehicles shall not be caretaker's residence. Any such residence will adhere to the bulk regulations of the C-3 Commercial District.

Pre-fabrication units - used for offices only

Recreational vehicle parks

Research, development and testing laboratory facilities

Schools, Private School, Charter School, or Community College (providing housing, dormitories or sleeping overnight)

Storage of gasoline and/or diesel fuel in an above-ground tank with a maximum 15,000 gallon capacity for use in vehicles associated with permitted activities on the premises. An approved structure must be provided that will contain on-site 100-percent of any fuel in the event of a tank leak or rupture.

Swap Meet, Indoor; Also, by Conditional Use Permit in I-1 (Light Industry).

- 1. Permanent restroom facilities shall be available on site prior to opening to the public.
- All uses associated with the operation of a swap meet other than parking, including but not limited to concession stands shall take place indoors.
- Parking shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces. The number of parking spaces shall be one (1) space for each vendor space and one (1) space for each one-hundred (100) feet of vendor area.

Swap Meet, Outdoor; Also, by Conditional Use Permit in I-1 (Light Industry).

- 1. This activity or any accessory use, including concession stands, shall take place πο closer than two-hundred-fifty (250) lineal feet from a residentially zoned area.
- 2. Parking is permitted within the two-hundred-fifty (250) foot buffer and shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces.
- 3. The number of improved parking spaces shall be one (1) space for every three-hundred (300) square feet of lot area where the swap meet exists, plus one (1) parking space for each vendor space.
- 4. Site obstruction fences may be required based on the circumstances of the site, intensity of use and adjacent uses.
- 5. Permanent restroom facilities shall be provided on site prior to opening to the public.

- Operation of swap meet shall be limited to the hours of 6:00 A.M. to 9:00 P.M. The site shall be cleared of all storage containers, merchandise and tables between the hours of 9:30 P.M. and 5:30 A.M.
- 7. No vendor storage will be allowed unless the swap meet site has specific permanent indoor storage facilities in place.

Tire retreading and recapping

Travel trailer park

Truck stops – for truck stop facilities (not withstanding all other conditions and standards set forth in this ordinance) performance standards for these facilities shall include:

- 1. The site for a truck stop must be a minimum of two (2) acres;
- 2. Any fuel dispenser, perimeter of underground storage tanks or pumps must be onehundred (100) feet from any residence or residential district line and at least forty (40) feet from a right-of-way line;
- 3. A sight obstructing masonry fence of not less than six (6) feet in height or more than eight (8) feet in height shall be erected between the perimeter of the truck stop and any residential district or use;
- 4. All truck washing shall be under a canopied bay;
- 5. Truck engine repair shall be under a roofed structure.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is two-hundred-fifty (250) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

## 13.300 GENERAL

## 13.310 LOT AREA

All lots hereafter created in this district shall contain a minimum of seventy-five-hundred (7,500) square feet. The specified lot area size is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

## **13.320 LOT WIDTH**

Not less than seventy-five (75) feet

## 13.330 YARDS

Yard abutting street: no minimum

Side yard and rear yard: There shall be no requirements, except where a side or rear lot line coincides with a lot line in an adjacent residential district. Such yard shall not be less than ten (10) feet in depth and such yard may be used for parking.

## 13.340 BUILDING HEIGHT

Not to exceed fifty (50) feet

## 13.350 DISTANCE BETWEEN BUILDINGS

Buildings not actually adjoining shall be provided with a minimum six (6) foot separation.

## 13.360 OFF-STREET PARKING AND OFF-STREET LOADING

## See Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS

## 13.370 CONDUCT OF USES

All business, service, storage, and merchandise display shall be conducted wholly within an enclosed building or an opaque enclosure, including porches, except for off-street automobile parking, off street loading, and the usual pumping operations of gasoline sales and permitted open sales or storage lots. Vehicle repair and service work may be performed outside of an enclosed building. Any vehicle that does not have the repair completed by the end of the business day must be placed in an enclosed building or behind a screen enclosure that meets the standards of Section 26.800 STORAGE FACILITIES, subsection 26.810 ALL COMMERCIAL AND INDUSTRIAL USES HAVING PERMITTED OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE, MATERIAL, OR EQUIPMENT. Mechanical equipment erected or constructed outside an enclosed building necessary to repair or service vehicles may be permitted by conditional use permit.

When a lot is used for commercial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building.

Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed commercial lot abuts an undeveloped residential district, which has been identified as having commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting commercial property shall have six (6) months, from the date of Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the commercial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall not be required unless so specified by ordinance relating to the rezoning of the subject property.

Revised 2/05/03 per Ord. No. 1362 Revised 4/07/03 per Ord. No. 1370 Revised 5/04/09 per Ord. No. 1652 Revised 6/04/10 per Ord. No. 1675 Revised 4/05/11 per Ord. No. 1700-B Revised 11/1/16 per Ord. No. 1822

## 31,000 AMENDMENTS AND ZONE CHANGES

## 31.100 AMENDING THE ORDINANCE

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

## 31,110 GENERAL PLAN CONFORMANCE

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

## 31,120 APPLICATION

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

## 31.130 ACCOMPANYING MAPS AND DATA

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

## 31,200 PUBLIC HEARING

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

- Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
- 3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

- 1. Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
- 2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
- 3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

- 4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
- In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas
  of the county or a combination thereof, copies of the notices of the public hearing shall be
  transmitted to the Planning Agency of such governmental unit such land.
- 6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

## 31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

## 31.400 CONSIDERATION BY COMMISSION

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

- 1. If the request is for an Official Zoning Map Amendment:
  - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
  - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
  - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
  - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
- If the request is a text amendment, the Planning and Zoning Commission shall find that the
  proposed text amendment is in conformance with and will better achieve the goals and objectives of
  the adopted general plan.

## 31.410 PLANNING AND ZONING COMMISSION OPTIONS

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

## 31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

## 31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

## 31.600 PROTEST PROVISION

In the event that the owners of twenty (20) percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property file a written protest against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full City Council. For purposes of this section, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this section shall be signed by the property owners opposing the proposed amendment and filed with the City of Kingman Office of the City Clerk, no later than 12:00 noon one business day before the date set for the City Council hearing on the proposed amendment. For purposes of this section, "zoning area," means the area within one hundred fifty (150) feet, including all rights-of-way, of the affected property subject to the proposed amendment or change and the area of the proposed amendment or change.

## 31.700 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

## 31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

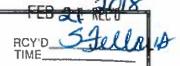
Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.

Revised 02/06/18 per Ord. No. 1850





## CITY OF KINGMAN REZONING APPLICATION FORM CASE # RZ- 18 -000/

	CASE # IV	10-110			
Application Date:	31 OCT 2017				
	COMPLETÉ LEGAL		e area described below be		
Property Address:	1776 AIRWAY AVE,	KINGMAN			
	Request to allow:  M - PROPERTY RETA	N/A AINS "O" ZONIN	G AND ALL SURROUNDING		
Zoning From: 0	Zoning To: C-3				
Mohave County Tax	Parcel Number(s):	320-11-131	Size of Parcel: 3.28		
OWNER'S NAME:	MOHAVE COUNTY				
Mailing Address:	PO BOX 7000				
City/State/Zip:	KINGMAN AZ 86	5402-7000			
Phone Number:	928-757-0927	E-mail:	john.mieding@mohavecounty.u		
Signature:					
LETTER OF CONSENT MUST	(OR AGENT/REPRESENTATIVE		NOT SIGN THIS APPLICATION A WRITTEN		
Mailing Address:	P.O. BOX 7000				
City/State/Zip:	KINGMAN, AZ 864	402-7000			
Phone Number:	928-757-0927	E-mail:	SAME AS ABOVE		
Signature:	ttitle		3-13-13		
ITEMS FROM THE "F	EZONING CHECKLIST" SHA	ALL BE SUBMITTED WI	TH THIS REZONING APPLICATION.		



## MOHAVE COUNTY PUBLIC WORKS

Telephone (928) 757-0910 3715 Sunshine Drive Steven P. Latoski, P.E., PTOE **Public Works Director** 

Fax (928) 757-0913 P. O. Box 7000 Kingman, Arizona 86402-7000

TDD (928)753-0729 www.mohavecounty.us Michael P. Hendrix, P.E. County Administrator / County Engineer

## MEMORANDUM

FROM:

Steven P. Latoski, P.E. PTOE

Director, Mohave County Public Works

DATE: 27 November 2017

SUBJECT:

Re-Zoning Application, Kingman Senior Nutrition Center

1776 Airway Ave, Kingman

APN: 320-11-131

REFERENCES:

A) Re-Zone Application for Subject Property

TO:

Rich Ruggles, Director, Planning & Zoning Dept.

Cc:

J. P. Mieding, Facilities

Dear Mr. Ruggles:

Mohave County has received a request from the Board of the Katherine Heidenreich Senior Center to rezone the subject property. The attached application package formally requests this change as the owner of the subject property.

Current City of Kingman Code establishes a fee schedule of \$1000.00 to process this application. In light of the fact that this re-zone is simply an upgrade from an obsolete zoning to current, and not a change of use, we request waiving the rezone fee as this is a house-keeping item.

Thank you in advance for your consideration in this matter. Should you have any questions or require further information. please advise.

Sincerely.

Steven P. Latoski, P.E. PTOE

Director, Mohave County Public Works

CITY OF KINGMAN



## MOHAVE COUNTY PUBLIC WORKS

Telephone (928) 757-0910 3715 Sunshine Drive Steven P. Latoski, P.E., PTOE Public Works Director

Fax (928) 757-0913 P. O. Box 7000 Kingman, Arizona 86402-7000 TDD (928)753-0729 www.mohavecounty.us Michael P. Hendrix, P.E. County Administrator / County Engineer

## **MEMORANDUM**

FROM:

Steven P. Latoski, P.E. PTOE

Director, Mohave County Public Works

DATE: 27 November 2017

SUBJECT:

Re-Zoning Application, Kingman Senior Nutrition Center

1776 Airway Ave, Kingman

APN: 320-11-131

## **REFERENCES:**

A) Aerial Map of Kingman Senior Center, and Surroundings

B) List of Property Owners within 300 ft.

C) Re-Zone Application for Subject Property

TO:

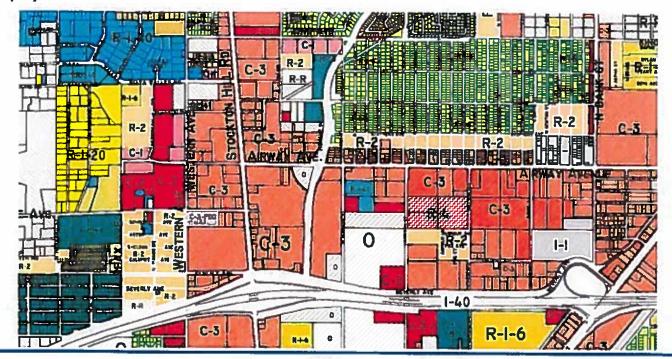
Rich Ruggles, Director, Planning & Zoning Dept.

Cc:

J. P. Mieding, Facilities

## Dear Mr. Ruggles:

Mohave County has received a request from the Board of the Katherine Heidenreich Senior Center to rezone the subject property.



Engineering • !
Improvement Districts

Survey

Roads
 Water Systems



Traffic Control Parks

Fleet Service
Facilities Maintenance

## Justification:

Inspection of the Reference A zoning map shows the subject property at an "O" zoning, surrounded by C-3 zoned lots. It is desired to re-zone the property to "C-3" to update the zoning to current standards. This is considered a housekeeping item.

## **Property Description:**

The reference B aerial photograph shows the property layout. The property is bounded by Airway Avenue on the north, the Mohave Wash on the east, and the Walmart property on the south and west.

The property contains four separate buildings which house the Katherine Heidenreich Adult Center, the Mohave County Meals on Wheels program, a thrift store, and a meeting room.

The following information is compiled for processing the re-zone application:

## Street Address:

1776 Airway Ave, Kingman, AZ 86401

## Legal Description:

Township 21 North, Range 16 West, Section 7

Portion gov't lot 3 shown as parcel 3-a on RS 7/68 9/10/1991 91-48264 & SRV 2210 10/4/2001 2001-60691 not including portion Airway Ave described in 2600/604 and beginning at S.E. corner parcel 3-A; then N55 deg 02'08 W along S In 89.10'; then S70 deg 40'46 E 82.84' to beg of non-tan curve center bears S77 deg 28'22 E 2937.39';th sly along curve thru c/a =00 deg 28'20 I=24.21'to point of bearing together with beg at a point on S In of par 3-a from whence SE corner par 3-a bears S55 deg. 02'08 E 89.10 ';then N70 deg 40'46 W 108.32';th N 27 deg 10'08 W 62.49' to point of intersection w/s In par 3-a; then S55 deg. 02'08 E along S line par 3-a 159.55' to point of bearing.

Cont. 3.28 acres

## Assessor's Parcel Number:

320-11-131 (Some older records from 2004 and earlier show APNs 320-11-131 & -132)

## Site Area:

3.28 Acres

## **Total Building Area:**

16,717 sq. ft.

## **Existing Zoning Classification:**

Requested Zoning Classification:

"O"

"C-3"

## Maximum Ridge Height of Main Building:

22 ft.

Thank you in advance for your consideration in this matter. Should you have any questions or require further information, please advise.

Sincerely,

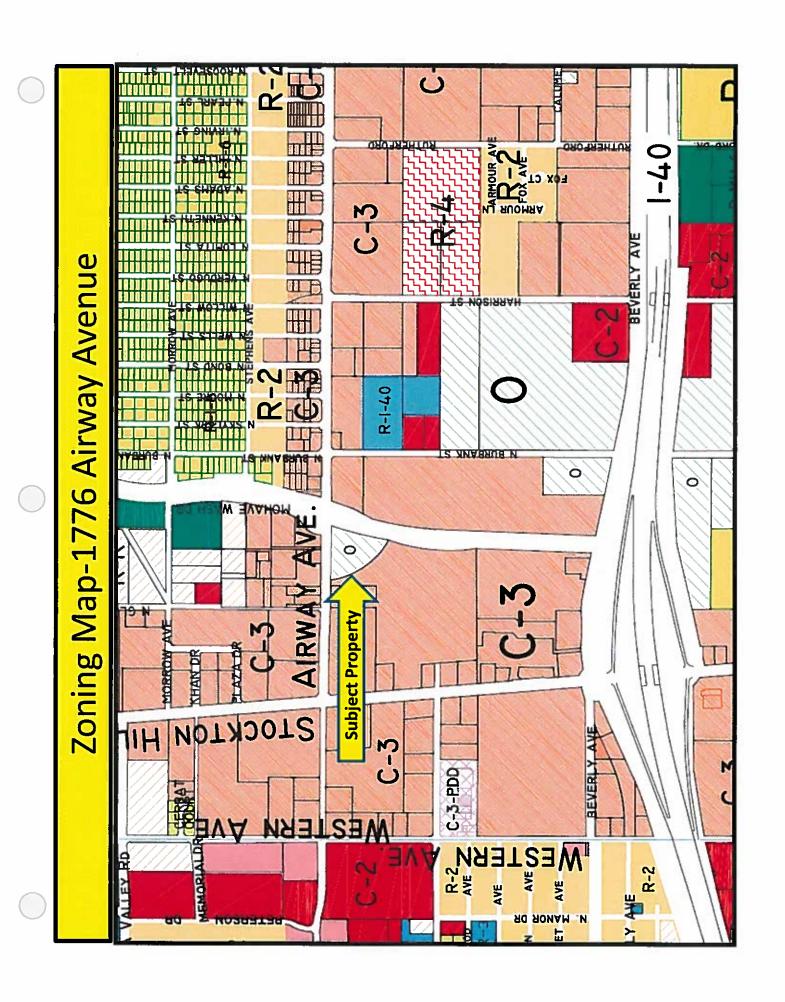
Steven P. Latoski, P.E. PTOE

Director, Mohave County Public Works

**Attachments** 

Facilities Maintenance

Roads



## Aerial Vicinity Map-1776 Airway Avenue



# Aerial Close Up Map-1776 Airway Avenue





## CITY OF KINGMAN Development Services Department ZONING ORDINANCE TEXT AMENDMENT CASE: ZO18-0003 Staff Report March 13, 2018

**Applicant:** 

City of Kingman

310 N. Fourth Street Kingman, AZ 86401 (928) 753-8131

Contacts:

Sylvia Shaffer, Planner

**Requested Action:** A city-initiated request for a text amendment to Section 26.000: General Development Standards of the *Zoning Ordinance of the City of Kingman*. The request is to amend Subsection 26.810(1) to remove vinyl coated polyester and landscaping fabric from the list of allowable screening materials for permitted outside storage areas

## RECOMMENDATION

Staff recommends amending Subsection 26.810(1) to remove vinyl coated polyester and landscaping fabric from the list of allowable screening materials for permitted outside storage areas.

## STANDARDS FOR REVIEW

## CITY OF KINGMAN ZONING ORDINANCE

- Section 26.800: General Development Standards
- Section 31,000: Amendments and Zone Changes

## **CITY OF KINGMAN GENERAL PLAN 2030**

Chapter 1: Goals and Objectives, Land Use Element

## FINDINGS OF FACT

- City of Kingman Zoning Ordinance, Section 26.810, related to allowable screening for outside storage in commercial and industrial zoning districts was adopted on December 21, 1992, per Ordinance No. 953.
- 2. This section was intended to provide a guideline of what screening materials the City of Kingman desired to be allowed or disallowed for open storage areas.
- At the December 12, 2017, Planning and Zoning Commission meeting, staff was requested to research what screening materials were allowed in other jurisdictions. The concern was due to a local business using landscaping material to screen their open space storage of tires.
- 4. At the February 13, 2018, Planning and Zoning Commission meeting, staff presented the research to the Commission. The research found that other jurisdictions do not allow the use of landscaping material as a screening material for open storage.
- 5. At the February meeting, the Planning and Zoning Commission voted to initiate a text amendment to Subsection 26.810(1) to remove vinyl coated polyester and landscaping fabric from the list of allowable screening materials for permitted outside storage areas
- 6. No changes to the outside storage fencing materials allowances in Section 26.810 have been made since its adoption over 26 years ago.

## **ANALYSIS**

At the December 12, 2017, Planning and Zoning Commission Meeting, Planning and Zoning Commissioner Gary Fredrickson requested staff to present a discussion item related to allowable fence screening materials for outside storage in commercial zoning districts at the next available meeting. Specifically, there was a concern over the use of landscaping fabric as a screening material on fencing where there is permitted outside storage in commercial zoning districts.

At the February 13, 2018, Planning and Zoning Commission Meeting, staff presented the following research:

The C-3: Commercial, Service Business, I-1: Light Industry and I-2: Heavy Industry zoning districts all allow for outside storage. In C-3, outside storage areas must be an accessory use to a permitted use, while in I-1 and I-2 we allow outside storage as a permitted use. The result is that you can have standalone storage yards in the industrial districts but not in C-3.

Section 26.810 of the City of Kingman Zoning Ordinance related to allowable screening materials for open space storage in commercial and industrial zoning districts allows for screening materials such as chain link fencing with metal slats (double picket weaving), masonry walls constructed to accepted industry standards, stucco fences, redwood/cedar board fencing, painted corrugated metal, vinyl PVC products made specifically for fencing, vinyl coated polyester with a minimum opacity rating of seventy-five percent (75%) (landscaping fabric). These materials must be maintained in working order and not allowed to deteriorate into an unsightly condition.

Screening materials not allowed in Section 26.810 of the City of Kingman Zoning Ordinance includes doors of any kind, cable spool ends, plywood or masonite not specifically designed for this use, old appliances, corrugated fiberglass, plants used alone, stacked railroad ties, bamboo, pickets (single slats in chain link fencing).

Staff also conducted research related to what other local jurisdictions allow for screening materials of open storage in commercial and industrial zones. Based on the research, none of the other jurisdictions allow for landscaping fabric to be used as screening material.

At the February 13, 2018, Planning and Zoning Commission Meeting, voted to move forward with a text amendment to remove <u>vinyl coated polyester with a minimum opacity rating of seventy-five percent (75%) (landscaping fabric)</u> from Section 26.810 of the City of Kingman Zoning Ordinance. There was also a brief discussion of how staff could not require the tire business to remove the landscaping material if this amendment is approved. However, staff could request that the business owner use one of the approved methods of screening materials if this text amendment is approved.

A draft of the proposed text amendment is attached to this report. Language proposed to be added is in **bold blue underline**, while language proposed to be removed is **struck out**.

## **RECOMMENDATION**

The staff recommends amending Section 26.810 of the *Zoning Ordinance of the City of Kingman* as shown in Attachment "A".

## **ATTACHMENTS**

- 1. Attachment "A", proposed text amendment
- 2. Sections 26.800 and 31.000 of the Kingman Zoning Ordinance

## **ATTACHMENT "A"**

## **26.800 STORAGE FACILITIES**

26.810 ALL COMMERCIAL AND INDUSTRIAL USES HAVING PERMITTED OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE, MATERIAL, OR EQUIPMENT

Where permitted, shall be subject to the following provisions:

- 1. These uses shall screen all permitted outside storage areas from neighboring properties and streets. Said storage shall be screened by a sight-obstructing fence or wall a minimum of eight (8) feet high, preventing the visibility of any material stored from adjacent streets or properties. This requirement shall not apply to the following uses, including but not limited to, plant material storage of nurseries, the display for sale or rent of new and used automobiles, recreational vehicles, boats, mobile homes, or the use and sale of farm and construction equipment in operational condition.
- a. Allowable Screening Materials: The following materials will be allowed as screening for those operations which need sight obstructing fences, including but not limited to: chain link fencing with metal slats (double picket weaving), masonry walls constructed to accepted industry standards, stucco fences, redwood/cedar board fencing, painted corrugated metal, vinyl PVC products made specifically for fencing vinyl coated polyester with a minimum opacity rating of seventy five percent (75%) (landscaping fabric). These materials must be maintained in working order and not allowed to deteriorate into an unsightly condition.
- b. Materials Not Acceptable for Screening: The following materials will not be allowed as screening for those operations which need sight obstructing fences, including but not limited to: doors of any kind, cable spool ends, plywood or masonite not specifically designed for this use, old appliances, corrugated fiberglass, plants used alone, stacked railroad ties, bamboo, pickets (single slats in chain link fencing), and vinyl coated polyester with a minimum opacity rating of seventy-five percent (75%) (landscaping fabric).

## **26.800 STORAGE FACILITIES**

## 26.810 ALL COMMERCIAL AND INDUSTRIAL USES HAVING PERMITTED OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE, MATERIAL, OR EQUIPMENT

Where permitted, shall be subject to the following provisions:

- 1. These uses shall screen all permitted outside storage areas from neighboring properties and streets. Said storage shall be screened by a sight-obstructing fence or wall a minimum of eight (8) feet high, preventing the visibility of any material stored from adjacent streets or properties. This requirement shall not apply to the following uses, including but not limited to, plant material storage of nurseries, the display for sale or rent of new and used automobiles, recreational vehicles, boats, mobile homes, or the use and sale of farm and construction equipment in operational condition.
  - a. Allowable Screening Materials: The following materials will be allowed as screening for those operations which need sight obstructing fences, including but not limited to: chain link fencing with metal slats (double picket weaving), masonry walls constructed to accepted industry standards, stucco fences, redwood/cedar board fencing, painted corrugated metal, vinyl PVC products made specifically for fencing, vinyl coated polyester with a minimum opacity rating of seventy-five percent (75%) (landscaping fabric). These materials must be maintained in working order and not allowed to deteriorate into an unsightly condition.
  - b. Materials Not Acceptable for Screening: The following materials will not be allowed as screening for those operations which need sight obstructing fences, including but not limited to: doors of any kind, cable spool ends, plywood or masonite not specifically designed for this use, old appliances, corrugated fiberglass, plants used alone, stacked railroad ties, bamboo, pickets (single slats in chain link fencing).

## 31.000 AMENDMENTS AND ZONE CHANGES

## 31.100 AMENDING THE ORDINANCE

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

## 31.110 GENERAL PLAN CONFORMANCE

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

## **31.120 APPLICATION**

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

## 31.130 ACCOMPANYING MAPS AND DATA

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

## 31.200 PUBLIC HEARING

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

- Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
- 3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

- Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
- 2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
- 3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

- 4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
- 5. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notices of the public hearing shall be transmitted to the Planning Agency of such governmental unit such land.
- 6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

## 31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

## 31.400 CONSIDERATION BY COMMISSION

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

- 1. If the request is for an Official Zoning Map Amendment:
  - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
  - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
  - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
  - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
- 2. If the request is a text amendment, the Planning and Zoning Commission shall find that the proposed text amendment is in conformance with and will better achieve the goals and objectives of the adopted general plan.

## 31.410 PLANNING AND ZONING COMMISSION OPTIONS

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

## 31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

## 31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

## 31.600 PROTEST PROVISION

In the event that the owners of twenty (20) percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property file a written protest against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full City Council. For purposes of this section, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this section shall be signed by the property owners opposing the proposed amendment and filed with the City of Kingman Office of the City Clerk, no later than 12:00 noon one business day before the date set for the City Council hearing on the proposed amendment. For purposes of this section, "zoning area," means the area within one hundred fifty (150) feet, including all rights-of-way, of the affected property subject to the proposed amendment or change and the area of the proposed amendment or change.

## 31.700 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

## 31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.

Revised 02/06/18 per Ord. No. 1850